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PATENT
Customer No. 22,852
Attorney Docket No. 05725.0875-00

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:

Alaine BETHUNE et al.

Application No.: 09/824,244

Filed: April 3, 2001

For: OBJECT HAVING A DECORATIVE
PATTERN AND METHOD OF APPLYING
THE DECORATIVE PATTERN

)
)
) Group Art Unit: 1775

)
) Examiner: A. SPERTY
)

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

APPEAL BRIEF UNDER 37 C.F.R. § 1.192

Pursuant to 37 C.F.R. § 1.192, Appellant submits this Appeal Brief, in triplicate, to the Board of Patent Appeals and Interferences. In the May 6, 2003 final Office Action, the Examiner finally rejected claims 1-3. A Notice of Appeal having been filed on August 6, 2003, this Appeal Brief is being timely filed along with the corresponding Appeal Brief fee payment.

I. Real Party Interest

The real party in interest is L'Oréal S.A., the assignee of the entire right, title, and interest in the application.

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II. Related Appeals and Interferences

There are currently no appeals or interferences related to this application that are awaiting decision by the Board of Patent Appeals and Interferences.

III. Status Of Claims

Claims 1-24 are pending. Claims 1-4 as set forth in the Appendix were rejected in the final Office Action. Claims 5-15 were objected to as being dependent upon a rejected base claim, but were otherwise indicated as including allowable subject matter. Claims 16-24 were withdrawn from consideration as being directed to a non-elected species.

Rejected claims 1-4 are involved in this appeal. Those claims are set forth in the attached Appendix along with objected claim 5-15.

IV. Status Of Amendments

No amendments have been filed subsequent to the final rejection of claims 1-4 in the final Office Action dated May 6, 2003.¹

V. Summary Of Invention

The invention set forth in the pending claims relates to an object including at least one decorative pattern and a method of producing at least one decorative pattern on an object. The object comprises a support, a first metallic coating, and a second metallic coating.

¹ On July 30, 2002, Applicants' representative conducted a personal interview with the Examiner and her supervisor in an attempt to expedite prosecution of this application. As reflected in the Interview Summary, the Examiners refused to re-consider the claims in light of the explanations provided by Applicants' representative during the personal interview. Instead, the Examiners suggested rewriting the claims and filing a Request for Continued Examination. Since, as discussed in the following, Appellants believe all of the rejections are improper without the need to amend any of the claims, the present appeal ensued.

According to an aspect of the invention, the support is formed of molded material. Page 3, paragraph [013], lines 1-3. The first metallic coating covers at least part of a surface of the support and at least partially delimits a decorative pattern. Page 3, paragraph [013], lines 3-5. The first metallic coating is formed of at least n superposed layers of metal, wherein $n \geq 2$. Page 3, paragraph [013], lines 3-4.

The second metallic coating covers the surface of the support in a region corresponding to the decorative pattern. Page 3, paragraph [013], lines 5-6. The second metallic coating is formed of a maximum of $n-1$ layers of metal, i.e., at least one layer less than the first metallic coating. Page 3, paragraph [013], lines 5-7.

The object also includes an outer surface facing away from the support. The outer surface comprises an outer metallic layer of the first metallic coating and an outer metallic layer of the second metallic coating. Page 5, paragraph [019]; Figs. 1-6B. Further, the outer metallic layer of the first metallic coating has a color and/or an appearance differing from that of the outer metallic layer of the second metallic coating. Page 3, paragraph [013], lines 7-9.

According to an exemplary aspect, the support may be obtained by molding a material that can be metallicity coated by electrodeposition or galvanoplasty. Page 4, paragraph [015], lines 1-4; page 8, paragraph [039], lines 2-3.

The outer layer of the first metallic coating may be formed of a first metal chosen, for example, from chromium, silver, gold, and zinc. Page 4, paragraph [016], lines 1-2. The outer layer of the second metallic coating may be formed of a second metal, different from the first, and chosen, for example, from chromium, nickel, silver, gold, zinc, copper, and an alloy, such as bronze. Page 4, paragraph [016], lines 2-4.

The object may comprise a container, for example, a case, a bottle, a pot, or a jar. Page 4, paragraph [017], lines 1-2. Alternatively or additionally, the object may comprise an accessory, for example, a stopper, intended to be associated with such a container. Page 4, paragraph [017], lines 2-4. The decorative pattern may be formed on the container and/or the stopper. Page 4, paragraph [017], lines 4-5.

According to an aspect of the invention, the object may comprise a stopper having a transverse wall and a lateral skirt, for example, a cylindrical skirt extending from the transverse wall. Page 5, paragraph [018], lines 1-3. The decorative pattern may be formed on the transverse wall and/or on the lateral skirt. Page 5, paragraph [018], lines 3-4.

Figs. 1, 2A, and 2B schematically depict an example of a process that could be used to form an exemplary embodiment of an object configured as a stopper 1. Page 8, paragraph [039], lines 1-2. Fig. 2A shows an initial form of a stopper 1 including a support 2 having three superposed layers thereon, i.e., a layer 10 of nickel, a layer 11 of copper, and a layer 12 of chromium. Page 10, paragraph [047]. After the three layers 10, 11, 12 are superposed on the support 2 via a galvanoplasty process, the cylindrical lateral skirt 3 of the stopper 1 may be decorated, for example, using a YAG-type laser. Pages 10-11, paragraph [048], lines 1-11. Decoration of the stopper 1 is then accomplished by sweeping the surface corresponding to the area to receive the decorative pattern 6 with a laser beam so as to literally "burn away" at least the outermost layer (i.e., the layer 12 of chromium) from the stopper 1 in the area corresponding to the decorative pattern 6. Pages 10-11, paragraph [048], lines 1-11.

Thus, as shown in the embodiment of Fig. 2B, after the layer 12 of chromium is burnt away, the stopper 1 comprises a first metallic coating covering at least part of a surface 3 of the support 2 and at least partially delimiting the decorative pattern 6. The first metallic coating of Fig. 2B includes three layers of metal (i.e., a layer 10 of nickel, a layer 11 of copper, and a layer 12 of chromium). The stopper 1 also includes a second metallic coating covering the surface 3 of the support in a region corresponding to the decorative pattern 6. The second metallic coating includes two layers, that is, a layer 10 of nickel and a layer 11 of copper. Referring to Fig. 2B, the outer surface of the stopper 1 includes the outer layer of the first metallic coating (i.e., the layer 12 of chromium) and the outer layer of the second metallic coating (i.e., the layer 11 of copper associated with the second metallic coating). The second metallic coating's layer 11 of copper has a color and/or appearance differing from that of the layer 12 of chromium, thus resulting in the decorative pattern 6 on the stopper 1.

In an alternative embodiment, as shown in Fig. 2C, it is possible to eliminate the two outermost layers (i.e., layer 12 of chromium and layer 11 of copper) thus revealing the layer 10 of nickel. Page 11, paragraph [048], lines 11-13. As a result, the second metallic coating covering the surface 3 of the support in a region corresponding to the decorative pattern of Fig. 2C includes only the layer 10 of nickel, which differs from the layer 12 of chromium in color and/or appearance, thus resulting in the decorative pattern 6 on the stopper 1. Referring to Fig. 2C, the outer surface of the stopper 1 includes the outer layer of the first metallic coating (i.e., the layer 12 of chromium) and the outer layer of the second metallic coating (i.e., the layer 10 of nickel associated with the second metallic coating).

As shown in Figs. 1 and 2A-2C, the decorative pattern 6 may be produced on the lateral skirt 3 of the stopper 1. Alternatively, as shown in Figs. 6A and 6B, the decorative pattern 6 may be produced on the transverse wall 4 of the stopper 1.

VI. Issues

- A. Whether the rejection of claims 1-4 under 35 U.S.C. § 112, second paragraph, should be reversed
- B. Whether the rejection of claims 1-3 under 35 U.S.C. § 102(b) based on U.S. Patent No. 5,505,320 to Burns et al. ("Burns") should be reversed

VII. Grouping Of Claims

All of the claims do not stand or fall together.

Regarding the rejections under 35 U.S.C. § 112, second paragraph, each of claims 1-4 stands or falls on its own.

Regarding the rejection under 35 U.S.C. § 102(b), claims 1-3 stand or fall together.

VIII. Arguments

A. Summary of the Arguments

With regard to the claim rejections under 35 U.S.C. § 112, second paragraph, the rejections should be reversed because claims 1-4 particularly point out and distinctly claim subject matter which Applicants regard as the invention.

With regard to the claim rejection under 35 U.S.C. § 102(b), the rejection should be reversed because Burns lacks any disclosure or suggestion of an object having an outer surface facing away from a support, wherein the outer surface comprises an outer

metallic layer of a first metallic coating and an outer metallic layer of a second metallic coating, as recited in amended claim 1.

B. Detailed Arguments

- 1. The rejection of claims 1-4 under 35 U.S.C. §112, second paragraph, should be withdrawn because the claims particularly point out and distinctly claim subject matter which Applicants regard as the invention**

a. Claim 1

Appellants submit that the rejection of claim 1 under 35 U.S.C. §112, second paragraph, should be reversed because claim 1 particularly points out and distinctly claims the first metallic coating and the second metallic coating, as well as the “region corresponding to the decorative pattern.”

In the Office Action, the Examiner alleges that, with regard to claim 1, “it is unclear where the second metallic coating is in relation to the first metallic coating.” Appellants disagree and submit that, contrary to the Examiner’s allegation, claim 1 recites a relationship between the first metallic coating and the second metallic coating because it recites “a first metallic coating covering at least part of a surface of the support, ... the first metallic coating at least partially delimiting a decorative pattern; and a second metallic coating covering the surface of the support in a region corresponding to the decorative pattern.” Therefore, it appears that the Examiner’s unsupported allegation relates to the breadth of the claim scope rather than to any lack of clarity.

Further, the Examiner asks whether “the second metallic layer [is] deposited on the first metallic layer,” and whether “the second metallic layer [is] deposited on the molded base itself in an area where there is no first metallic layer.” Appellants submit that the Examiner’s questions relating to a first metallic “layer” and a second metallic

"layer" are irrelevant and do not make any sense because claim 1 does not recite a first metallic layer or a second metallic layer. Instead, claim 1 recites a first metallic coating formed of at least n superposed layers of metal and a second metallic coating formed of a maximum of $n-1$ layers of metal.

Additionally, the Examiner alleges that "it is unclear what is meant by the 'region corresponding to the decorative pattern,'" and asks whether "the second metallic layer [is] formed on the decorative pattern or around the decorative pattern." Appellants disagree with this allegation and submit that the Examiner's question concerning the second metallic "layer" is irrelevant does not make any sense because claim 1 does not recite a second metallic layer. As discussed above, claim 1 recites a second metallic coating formed of a maximum of $n-1$ layers of metal. Claim 1 also recites that the second metallic coating covers the surface of the supporting a region corresponding to the decorative pattern.

As discussed in the above Summary of Invention section, the present application includes a description of various exemplary configurations embodying the claimed subject matter. For example, as shown in the exemplary embodiment of Fig. 2B, a first metallic coating includes three layers of metal (i.e., a layer 10 of nickel, a layer 11 of copper, and a layer 12 of chromium). As shown, the first metallic coating covers at least part of the surface 3 of the support 2 and at least partially delimits the decorative pattern 6. (The decorative pattern 6 is also shown in Fig. 1.) The second metallic coating covers the surface 3 of the support 2 in a region corresponding to the decorative pattern 6. The second metallic coating includes only two layers, i.e., a layer 10 of nickel and a layer 11 of copper. While Appellants acknowledge that the scope of the claims is not

limited to the exemplary embodiments set forth in the specification, those exemplary embodiments facilitate understanding the metes and bounds of the claims and show, without question, that the subject matter recited therein is clear.

Accordingly, Appellants submit that claim 1 satisfies the definiteness requirement of 35 U.S.C. § 112, second paragraph, and that this rejection of claim 1 amounts to nothing more than an attempt by the Examiner to unnecessarily limit the breadth of the claim. Since the breadth of a claim is not to be equated with indefiniteness, *In re Miller*, 441 F.2d 689 (C.C.P.A. 1971), Appellants respectfully submit that the rejection of claim 1 under § 112, second paragraph, should be reversed.

b. Claim 2

Regarding claim 2, the rejection under 35 U.S.C. § 112, second paragraph, should be reversed because the recitation that “the molded material is a material capable of being metallically coated by at least one of electrodeposition and galvanoplasty” is a positive structural recitation. This recitation relates to an additional feature of the support, which is recited in claim 1.

In the Office Action, the Examiner alleges that “it is not clear if the molded material is actually coated, only that the material is capable of being metallically coated.” Office Action, paragraph 2. Thus, by the Examiner’s own admission, it is clear that claim 2 recites a positive limitation, namely a material that is capable of being metallically coated, which is what claim 2 claims.

The Examiner also mentions that “[i]f Applicant wishes to claim that a coating is deposited by a particular method the claim should be drafted accordingly.” Based on that statement and the Examiner’s assertions in the statement of the rejection of claim 2

under 35 U.S.C. § 102(b) (*see, e.g.*, Office Action, paragraph 3), it appears that the Examiner believes that claim 2 is a product-by-process claim. However, claim 2 is not a product-by-process claim, and Applicant does not wish to positively recite, in claim 2, a coating that is deposited by a particular method. Instead, as discussed above, claim 2 recites an additional feature of the support 2, *i.e.*, that the molded material is a material capable of being metallicity coated by at least one of electrodeposition and galvanoplasty.

Therefore, the recitation in claim 2 that “the molded material is a material capable of being metallicity coated by at least one of electrodeposition and galvanoplasty” satisfies the definiteness requirement of § 112, second paragraph, and the rejection of claim 2 under § 112, second paragraph, should be reversed.

c. Claim 3

Further, the rejection of claim 3, under 35 U.S.C. § 112, second paragraph, should be reversed because one of ordinary skill in the art at the time the application was filed would have recognized that the term “zamak” refers to zinc-based alloys that contain aluminum, magnesium, and copper. In fact, a simple search of the internet for the term “zamak” will yield a significant number of websites mentioning the term “zamak” and describing it as such. (Applicants suggest these websites only as evidence that “zamak” is well-known to persons of ordinary skill in the art.) Contrary to the Examiner’s assertions, the term “zamak” is therefore found in the prior art and there is no need to have a more specific definition of that term in the specification. Accordingly, Applicants submit that the term “zamak” satisfies the definiteness requirement of § 112, second paragraph.

d. Claim 4

Regarding claim 4, the Examiner has not provided a reason for the rejection under 35 U.S.C. § 112, second paragraph, in the final Office Action of May 6, 2003. In the Office Action dated December 5, 2002, the Examiner alleged that “[c]laim 4 is indefinite because it is unclear what is intended by ‘filled.’” In the Amendment filed on March 5, 2003, Appellants pointed out that the term “filled” has an art-recognized meaning. Since the Examiner did not disagree with Appellants’ contention that “filled” has an art-recognized meaning, it is Appellants’ understanding that the rejection of claim 4 under 35 U.S.C. § 112, second paragraph, has been withdrawn.

For at least these reasons, claims 1-4 particularly point out and distinctly claim subject matter which Applicants regard as the invention, and Appellants request that the § 112, second paragraph, rejections be reversed.

- 2. The rejection of claims 1-3 under 35 U.S.C. § 102(b) should be reversed because Burns lacks any teaching of an outer surface facing away from a support, wherein the outer surface comprises an outer metallic layer of a first metallic coating and an outer metallic layer of a second metallic coating, as recited in claim 1**

a. Burns

Burns discloses a method for manufacturing an integrated circuit electronic package. The method includes blanket coating a first layer of a first material 2 onto a substrate 1, such as a polyimide or a fluorocarbon polymer. Burns, col. 2, lines 59-67; col. 3, lines 41-42. The first layer of a first material is preferably an electrically conductive metal, most preferably chromium. Burns, col. 3, lines 23-26. A layer of a second material 3 (most preferably copper) that differs from the first material is blanket coated onto the first layer 2. Burns, col. 3, lines 28-30, 41-42. A second layer 4 of the

same material as the first layer 2 is blanket coated onto the layer 3. Burns, col. 3, lines 33-35, 41-42. Next, a layer of a dry imaging polymeric composition 5 is blanket coated on top of the second layer 4. Burns, col. 3, lines 43-45.

Next, layer 5 is subjected to laser ablation to provide a desired pattern, and the exposed portions of the second layer 4, and eventually layer 3, are removed via one or more wet etching processes. Burns, col. 3, line 51 to col. 4, line 18. Then, additional portions of the layer 5 of the dry imaging polymeric composition are subjected to laser ablation to provide a desired pattern. Burns, col. 4, lines 19-35. Finally, exposed portions of second layer 4 and first layer 2 are removed via a wet etching step. Burns, col. 4, lines 39-45.

Completion of the aforesaid method results in an integrated circuit electronic package including the substrate 1 and the four layers 2, 3, 4, 5 forming a pattern on the substrate 1. Referring to FIG. 6, an outer surface of the integrated circuit electronic package facing away from the substrate 1 includes an outer surface of the substrate 1 (i.e., where all of layers 2-5 were removed), an outer surface of layer 3 (i.e., where layers 4 and 5 were removed), and an outer surface of layer 5 (i.e., where no layers were removed). Therefore, the outer surface of the integrated circuit electronic package facing away from the substrate includes (1) a polyimide or a fluorocarbon polymer (i.e., substrate 1), (2) copper (i.e., layer 3), and (3) a dry imaging polymeric composition (i.e., layer 5).

- b. Burns does not disclose or suggest an object having an outer surface facing away from a support and comprising an outer metallic layer of a first metallic coating and an outer metallic layer of a second metallic coating, as recited in claim 1**

Burns does not disclose or suggest an object including an outer surface facing away from the support, wherein the outer surface comprises an outer metallic layer of a first metallic coating and an outer metallic layer of a second metallic coating, as recited in claim 1.

Instead, as discussed above, Burns discloses an integrated circuit electronic package having an outer surface that faces away from the substrate 1, wherein the outer surface includes (1) a polyimide or a fluorocarbon polymer (i.e., substrate 1), (2) copper (i.e., layer 3), and (3) a dry imaging polymeric composition (i.e., layer 5). Consequently, the outer surface of the integrated circuit electronic package that faces away from the substrate 1 includes only one outer metallic layer; that is, the layer 3 of copper. Therefore, the outer surface of the integrated circuit electronic package does not include outer metallic layers of first and second metallic coatings, as recited in claim 1.

In the Office Action, the Examiner alleges that Burns discloses “a support having a first metallic coating of $n=2$ layers, designated 2 and 3, and a second metallic coating of $n-1$ layer, designated 4.” The Examiner further alleges that “the outer metallic layer (3) of the first metallic coating is Cu and has a color and appearance differing from that of the outer metallic layer of the second metallic coating of Cr.” Nonetheless, Applicants submit that the alleged “outer metallic layer of the second metallic coating of Cr” does not form any part of an outer surface of the integrated circuit electronic package that

faces away from the substrate. Referring to FIG. 6 of Burns, no part of the second layer 4 of chromium forms an outer surface of the integrated circuit electronic package that faces away from the substrate 1. Although the first and second layers 2, 4 of chromium each include an outwardly facing surface, these surfaces do not form any part of the outer surface of the integrated circuit electronic package.

Therefore, Burns does not disclose or suggest an object including an outer surface facing away from the support, wherein the outer surface comprises an outer metallic layer of a first metallic coating and an outer metallic layer of a second metallic coating.

In the Response to Arguments section of the final Office Action, the Examiner alleges that “an object having the claimed layers as the final/outermost layers ... is not apparent from the claim.” The Examiner further alleges that the “comprising” language of claim 1 “allows for the addition of numerous other layers,” and “does not require the layers to be the final layers, only that they be on the outer surface of the base member.” While Appellants agree that the term “comprising” is inclusive or open-ended, and does not exclude additional, unrecited elements, Appellants disagree with other characterizations of the claim language by the Examiner.

Appellants do not understand the Examiner's allegations concerning the “final/outermost layers” of the object. Claim 1 recites that “an outer surface of the object fac[es] away from the support,” and that the outer surface of the object comprises “an outer metallic layer of the first metallic coating and an outer metallic layer of the second metallic coating.” As explained above, such subject matter is not disclosed in the cited reference.

Further, Appellants do not understand the Examiner's contention that claim 1 allegedly requires that the "[claimed layers] be on the outer surface of the base member." Claim 1 does not even mention an "outer surface of the base member." Instead, claim 1 recites an outer surface of the object.

Accordingly, for at least these reasons, the § 102(b) rejection of claim 1 should be reversed. Claims 2 and 3 depend from independent claim 1, and therefore, the rejections of claims 2 and 3 under 35 U.S.C. § 102(b) should be reversed for at least the same reasons discussed above in connection with claim 1.

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IX. Conclusion

For the reasons given above, the Board of Patent Appeals and Interferences is respectfully requested to reverse the outstanding rejections under 35 U.S.C. §§ 112, second paragraph, and 102(b) so that claims 1-15 may be allowed.

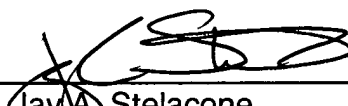
To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this Appeal Brief, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 6, 2003

By: _____


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Appendix

1. An object including at least one decorative pattern, the object comprising:
a support formed of molded material;
a first metallic coating covering at least part of a surface of the support,
the first metallic coating being formed of at least n superposed layers of metal, wherein
 $n \geq 2$, the first metallic coating at least partially delimiting a decorative pattern; and
a second metallic coating covering the surface of the support in a region
corresponding to the decorative pattern, the second metallic coating being formed of a
maximum of $n-1$ layers of metal;
wherein the object includes an outer surface facing away from the support,
the outer surface comprising an outer metallic layer of the first metallic coating and an
outer metallic layer of the second metallic coating, the outer metallic layer of the first
metallic coating having at least one of a color and an appearance differing from that of
the outer metallic layer of the second metallic coating.
2. An object according to claim 1, wherein the molded material is a material
capable of being metallically coated by at least one of electrodeposition and
galvanoplasty.
3. An object according to claim 2, wherein the molded material is chosen
from zamak, ABS (acrylonitrile butadiene styrene), PP (polypropylene), POM
(polyoxymethylene) and a polyester.
4. An object according to claim 3, wherein the molded material is filled.
5. An object according to claim 1, wherein the outer metallic layer of the first
metallic coating is formed of a first metal chosen from chromium, silver, gold and zinc.

6. An object according to claim 5, wherein the outer metallic layer of the second metallic coating is formed of a second metal, differing from the first, the second metal being chosen from chromium, nickel, silver, gold, zinc, copper and an alloy.

7. An object according to claim 6, wherein the second metal is an alloy comprising bronze.

8. An object according to claim 1, wherein the object is configured in the form of a container.

9. An object according to claim 1, wherein the object is configured in the form of an accessory intended to be associated with a container.

10. An object according to claim 9, wherein the accessory is a stopper for a container.

11. An object according to claim 1, wherein the object is configured in the form of a stopper for a container intended for packaging a cosmetic product, and wherein the object further comprises a transverse wall and a lateral skirt extending from the transverse wall, wherein the decorative pattern is formed on at least one of the transverse wall and the lateral skirt.

12. An object according to claim 11, wherein the skirt is a cylindrical skirt, and wherein the decorative pattern is formed on the cylindrical skirt.

13. An object according to claim 1, wherein $n = 3$.

14. A system comprising:
the object of claim 8; and
a cosmetic product contained in the object.

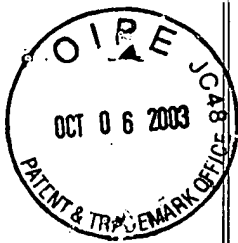
15. A system comprising:

a container containing a cosmetic product; and

the object of claim 9 on the container.

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Application No.: 09/824,244) Examiner: A. SPERTY
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Sir:

TRANSMITTAL OF APPEAL BRIEF (37 C.F.R. 1.192)

Transmitted herewith in triplicate is the APPEAL BRIEF in this application with respect to the Notice of Appeal filed on August 6, 2003.

This application is on behalf of

☐ Small Entity ☒ Large Entity

Pursuant to 37 C.F.R. 1.17(f), the fee for filing the Appeal Brief is:

☐ \$160.00 (Small Entity)

☒ \$330.00 (Large Entity)

Enclosed is a check for \$330.00 to cover the above fees.

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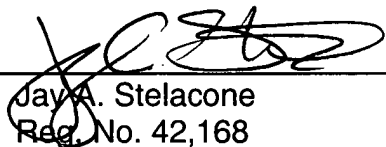
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PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this Appeal Brief, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 6, 2003

By: _____


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